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NOTES OF CASES.

Negligence—Floods—Accrual of Action.—A cause of action for negligently constructing and maintaining the wall of a reservoir, so that it gives way and injures adjoining property, is held, in *Mast v. Sapp* (N. C.) 5 L. R. A. (N. S.) 379, to arise when the injury is done.

Assignments—Unearned Wages.—An assignment of wages to be earned in the future under an existing employment is held, in *Rodijkeit v. Andrews* (Ohio) 5 L. R. A. (N. S.) 564, to be valid.

Criminal Law—Recognizance—Forfeiture.—A recognizance given in a criminal proceeding, conditioned for the appearance of the accused before a circuit court on the first day of a certain term thereof, and that he will not depart thence without leave of the court, is held, in *State v. Dorr* (W. Va.) 5 L. R. A. (N. S.) 402, to be forfeitable only upon calling the accused upon the recognizance at some time during the term, and, if he fails to appear, by entering his default of record.

Banks—Insolvency—Assumption of Indebtedness.—A bank which takes over the assets of a liquidating bank upon an agreement that it will pay its debts and a certain sum to each shareholder is held, in *Ex parte Savings Bank* (S. C.) 5 L. R. A. (N. S.) 520, to assume towards creditors the trust relation held by the transerrer, and the creditors of the latter are held to have a prior lien on the assets so transferred in case the transferee becomes insolvent before completing its undertaking.

Negotiable Paper—Bona Fide Purchasers.—The mere exhibition by an agent for the investment of money, to his principal, of a negotiable note indorsed in blank as representing his money, and the acquiescence by the latter, are held, in *Bettanier v. Smith* (Iowa) 5 L. R. A. (N. S.) 628, not to constitute him the bona fide purchaser, so as to entitle him to hold the note as against the true owner, who had placed it with the agent for safe-keeping.

Carriers of Passengers—Drover's Free Pass.—A driver traveling on a stock pass is held, in *Lake Shore & M. S. R. Co. v. Teeters* (Ind.) 5 L. R. A. (N. S.) 425, to be a passenger for hire, within the rule forbidding the carrier to contract for an exemption from liability for its negligence.

Common Carriers—Who Are.—A railroad company is held, in *Davis v. Chesapeake & O. R. Co.* (Ky.) 5 L. R. A. (N. S.) 458, not to lose its character of common carrier by a special contract to transport over its road the messengers and packages of a particular

express company, although it could not have been compelled to undertake such transportation.

Admission of Attorneys.—The question as to the power of the legislative branch of the government to establish qualifications and regulate the admission of attorneys is passed upon by the Supreme Court of North Carolina in the matter of *Applicants for License*, 55 Southeastern Reporter, 635. The court, after reviewing numerous authorities, holds that a statute prescribing qualifications does not violate the constitutional provision that the legislative branch of the government shall have no power to deprive the judicial department of any power or jurisdiction which rightly pertains to it. *In re Day*, 181 Ill. 73, 54 N. E. 646, is opposed to this holding. An effect of the North Carolina holding is that one presenting the certificate of two attorneys as to good moral character is entitled to admission without investigation by the court on this point, even though his character be attacked by formal charges.

Right of Dower Barred by Judicial Sale.—The Supreme Court of Iowa in *Pierce v. O'Neil*, 109 Northwestern Reporter, 1082, holds that a sale in strict accordance with the terms of a trust deed in which the wife of the grantor had not joined was in effect a judicial sale, and that the dower rights of the grantor's wife were, therefore, barred. The court says that the sale is a judicial one under the statutory provision that trust deeds may be foreclosed in accordance with their terms.

Trades Unions—Discrimination against Members.—The validity of the federal statute of 1898 prohibiting common carriers engaged in interstate commerce from discriminating against employees or applicants for employment who are members of trades unions is denied in *United States v. Scott*, 148 Federal Reporter, 431. The court denies the validity of the provision on two grounds: (1) That the provision is not in the constitutional sense a regulation of commerce, or commercial intercourse among the states, and cannot justly nor fairly be so construed or treated, inasmuch as its essential object manifestly is only to regulate certain phases of the right of an employer to choose his own servants, whether the duties of those servants when employed shall relate to interstate commerce or not; and (2) upon the ground that the provision is so broad as to be condemned by the rule laid down in *Trade-Mark Cases*, 100 United States, 82, wherein it was said that if it is the main purpose of an enactment to establish a regulation applicable to all trade, to commerce at all points, especially if it be apparent that it is designated to govern the commerce wholly between citizens of the same state, it is obviously the exercise of a power not confided to Congress.